would justify this Court's review of this factbound question.

2. Petitioner also contends (Pet. 15-16) that it was an "arbitrary denial of due process" to "refuse[] to allow Petitioner NAFA to make a supplemental showing as to its standing" because the "Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome." Pet. 16 (quoting *Foman* v. *Davis*, 371 U.S. 178, 181-182 (1962) (quoting *Conley* v. *Gibson*, 355 U.S. 41, 48 (1957))). That argument is without merit.

Petitioner did not make just one "misstep." Instead, petitioner failed to demonstrate a jurisdictional prerequisite in accordance with the procedures clearly established by the court. Petitioner's attempt to remedy that default by supplying new arguments and extra-record evidence in its reply brief was a further violation of the D.C. Circuit's rules, which prohibit the submission of new arguments and extra-record material in a reply brief. Pet. App. 6a; see *Coalition for Noncommercial Media* v. *FCC*, 249 F.3d 1005, 1010 (D.C. Cir. 2001) (reply brief, "as we have said many times, is too late for a new argument"). Petitioner offers no plausible basis for excusing its defaults, and the D.C. Circuit's factbound refusal to do so does not merit this Court's review.

3. Petitioner also errs in contending (Pet. 8-14) that the court of appeals violated petitioner's First Amendment right to petition the court for redress of grievances by dismissing its petition based on "idiosyncratic court preferences." The First Amendment does not confer on litigants who fail to establish Article III standing any right to federal court review of the merits of their claims. Here, petitioner did not establish its standing to

maintain the suit, and the court of appeals properly dismissed the case for lack of jurisdiction.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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